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Attorneys for Plaintiffs  
 DYLAN LAMM, *et al.*

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

DYLAN LAMM, a minor by and through his	)	Case No. CV07-4807 MHP
guardian <i>ad litem</i> , MARY CATHERINE	)	
DOHERTY; and KEVIN LAMM,	)	<b>STIPULATION AND <del>[PROPOSED]</del></b>
	)	<b>ORDER RE CASE SCHEDULE</b>
Plaintiffs,	)	
	)	
vs.	)	
	)	
BUMBO, BUMBO LIMITED, BUMBO (PTY)	)	
LTD.; TARGET CORPORATION; and DOES 1	)	
to 20,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

**Plaintiffs' Statement:**

As the Court is aware, this case involves a brain injury to a small infant. Plaintiffs have alleged product defect, which defendants deny. One of the essential issues in the case is whether or not the child, Dylan Lamm, has any residual impairment from his initial injury.

Dylan Lamm, who has turned three (3) years old, was recently (on March 12<sup>th</sup>, 2010) evaluated by pediatric neuropsychologists, Dr. Theodore Wasserman (Florida) and Dr. Paul Beljan (Arizona), and their consultants who were retained by the Plaintiffs. This was the first time that Dylan was evaluated by pediatric neuropsychology specialists to determine whether his brain injury caused and/or likely will cause, residual problems. These experts are preparing their

1 reports, which, when completed, will be provided to the defense for a determination of whether  
2 either Bumbo or Target wishes to have Dylan examined by their own experts.

3 Pursuant to a stipulation by the parties, the Court set the case schedule, including expert  
4 witness disclosure. Plaintiffs' expert witness disclosure is currently scheduled for March 30,  
5 2010. As a result of the recent findings by Drs. Wasserman and Beljan, Plaintiffs require  
6 additional time to explore and retain additional experts to assist with some of the needs just  
7 identified by these pediatric neuropsychologists.  
8

9 Defendants, Bumbo and Target, in an honorable showing of professional courtesy, have  
10 both agreed to continue all of the case schedule by approximately ninety (90) days to  
11 accommodate for these needs (and to provide time for additional testing of the child by defense  
12 experts if they chose). Defendants believe that the results of the tests performed on behalf of the  
13 plaintiffs will require the defendants to conduct similar neuro-psychological tests. Those tests  
14 and the possible need to retain additional consultants would require at least sixty days between  
15 the time that the plaintiffs serve their Rule 26 reports and the defendants are required to issue  
16 theirs. The combined additional time to complete these additional tests and exchanges would  
17 equate to an approximate five month extension of the date for the completion of the exchange of  
18 expert reports.  
19

20 There is no prejudice to any party by such a continuance, and, if continuance is not  
21 granted, there is a strong probability of prejudice to the child, Dylan Lamm, as this case  
22 represents his one opportunity to seek redress for his injuries. While it is not the reason for  
23 continuance of the schedule dates, it may be worth noting that, following these evaluations, the  
24 parties intend to mediate the case.  
25  
26  
27  
28

**STIPULATION:**

It is hereby stipulated and agreed between the parties that the case schedule entered on 12/16/09, may be amended to continue the various pre-trial and trial dates as follows:.

The amended schedule shall now be as follows:

- Plaintiffs' Designation of expert witnesses: June 30, 2010;
- Defendant's Designation of expert witnesses: September 3, 2010;
- Plaintiffs' designation of rebuttal experts, if any: September 30, 2010
- Expert discovery cutoff: October 29, 2010
- Hearing of dispositive motions – ~~November 30, 2010;~~ 11/29/2010 at 2:00 p.m.  
January 12, 2011 at 2:30 p.m.
- Pretrial conference – ~~December 15, 2010~~ (or to be determined by the Court) and,
- Trial – January 25, 2011 (or to be determined by the Court). at 8:30 a.m.

IT IS HEREBY STIPULATED BY THE PARTIES:

Dated: March 23, 2010  
EDGAR LAW FIRM

By: /s/Jeremy R. Fietz  
DONALD EDGAR  
JEREMY R. FIETZ  
J. REX GRADY  
Attorneys for Plaintiffs  
DYLAN LAMM, BY AND THROUGH  
MARY CATHERINE DOHERTY; AND  
KEVIN LAMM

Dated: March 23, 2010  
CONDON & FORSYTH LLP

By: /s/Frank A. Silane  
FRANK A. SILANE  
JENNIFER J. JOHNSTON  
CHRISTOPHER B. QUEALLY  
Attorneys for Defendant  
BUMBO (PTY) LTD.

1 Dated: March 23, 2010

BOORNAZIAN, JENSEN & GARTHE, A.P.C.

3 By: /s/Gail C. Trabish

4 GAIL C. TRABISH  
Attorneys for Defendant  
5 TARGET CORPORATION

6  
7 PURSUANT TO STIPULATION, IT IS SO ORDERED:

8  
9 Dated: 3/24/2010

10 UNITED STATES DISTRICT COURT  
HONORABLE MARY H. PATEL

